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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,987	03/31/2000	Yasutoshi Shindo	31581-159316	3235
26694	7590	11/05/2003	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			Caldwell, Andrew T	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 11/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/540,987	SHINDO, YASUTOSHI
	Examiner	Art Unit
	Andrew Caldwell	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 October 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

Art Unit: 2157

1

Remarks

2 Claims 1-7 are pending, but claims 3-7 are withdrawn from further consideration.

3

4

Election/Restrictions

5 Claims 3-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b)

6 as being drawn to a nonelected invention, there being no allowable generic or linking

7 claim. Election was made **without** traverse in the response filed on October 1, 2003

8 (paper no. 4).

9

10 **Claim Rejections - 35 USC § 103**

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

12 obviousness rejections set forth in this Office action:

13 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
14 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
15 the prior art are such that the subject matter as a whole would have been obvious at the time the
16 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
17 Patentability shall not be negated by the manner in which the invention was made.

18

19

20 Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over

21 Drummond et al., U.S. Patent No. 6,598,023.

22

23 Regarding claim 1, Drummond teaches the invention substantially as claimed by

24 disclosing an automatic transaction system including a web server and an automatic

25 transaction apparatus connected to the web server such that said automatic transaction

26 apparatus downloads an application from said web server to make transactions (Fig. 3).

1 Drummond also teaches that an HTML document or other items (i.e., a java applet) may
2 not be accessible at a server due to a hardware error (col. 25 line 53 to col. 26 line 25).
3 Drummond teaches that when an HTML document or an applet is unable to be
4 downloaded from a remote server, that it is downloaded from an alternative address
5 (col. 26 lines 13-17). Drummond teaches that with respect to an HTML “record” such as
6 an HTML document, an alternative address may be local to the machine/ATM (col. 26
7 lines 40-41). However, Drummond does not explicitly teach that an alternative address
8 for an *applet* may be local to the machine. Therefore, Drummond does not explicitly
9 teach an application resident in said automatic transaction apparatus for realizing
10 transactions identical to transactions executed by the application downloaded from said
11 web server, wherein said automatic transaction apparatus switches to said resident
12 application to make a transaction when the application cannot be downloaded from said
13 web server. However, it would have been obvious to one of ordinary skill in the art at
14 the time the invention was made to modify the system of Drummond to have it access a
15 locally stored version of an applet when the normal remote server for that applet is
16 unavailable based on logical reasoning. Drummond says to access a specific type of
17 HTML “record” locally. More specifically, Drummond says to access an HTML
18 document locally (col. 26 lines 40-41). A person of ordinary skill in the art would
19 generalize from this specific teaching that any sort of HTTP record, such as an applet,
20 could be accessed locally. Drummond therefore teaches the invention as claimed.

21

1 Regarding claim 2, Drummond teaches an automatic transaction system wherein
2 said automatic transaction apparatus saves, as a transaction is being processed,
3 information required for the application to execute the transaction, and passes said
4 saved information to the resident application to continue the transaction when the
5 application cannot be downloaded from said web server (col. 13 lines 40-62 transaction
6 data object).

7

Conclusion

9 A shortened statutory period for response to this action is set to expire **three**
10 **months** from the mail date of this letter. Failure to respond within the period for
11 response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P.
12 710.02, 710.02(b)).

14 Any inquiry concerning this communication or earlier communications from the
15 examiner should be directed to Andrew Caldwell, whose telephone number is (703)
16 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m.
17 EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group 2100 are as follows:

23 Fax Responses: (703) 872-9306

25 Any inquiry of a general nature or relating to the status of this application should
26 be directed to the Group receptionist at (703) 305-9600.

29
30 Andrew Caldwell
31

33 Andrew Caldwell
34 703-306-3036
35 October 31, 2003